

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO./TITLE

09/441,107

11/16/99

HOFFMAN

N

STA-22

SMARTTOUCH INC
ALI KAMAREI ESQ
727 ALLSTON WAY
BERKELEY CA 94710



NOT ASSIGNED

2761

DATE MAILED:

12/15/99

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
 small entity (statement filed) *non-small entity is \$* 65.00.

1. The statutory basic filing fee is:

- missing.
- insufficient.

Applicant must submit \$ 380.00 *to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*

2. Additional claim fees of \$ 216, including any multiple dependent claim fees, are required:

\$ 216 for 9 independent claims over 3.

\$ 216 for 9 dependent claims over 20.

\$ 216 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

- is missing or unexecuted.
- does not cover the newly submitted items.
- does not identify the application to which it applies.
- does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47:

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

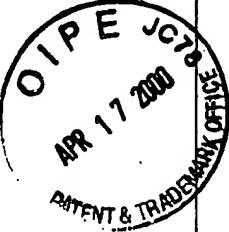
A copy of this notice MUST be returned with the reply.

Customer Service Center:

Initial Patent Examination Division (703) 308-1202

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HOFFMAN, ET AL. Serial No.: 09/441,107 Filed: November 16, 1999 For: <u>SYSTEM AND METHOD FOR TOKENLESS BIOMETRIC ELECTRONIC SCRIP</u>	 Group Art Unit: 2761 Examiner: Not Assigned
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Response To Notice to File Missing Parts

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Submitted with this response are the following;

- a. PTO-1533, Part 2,
- b. A signed Verified Statement claiming small entity that was filed with this patent application on November 1, 1999.

Having received a Notice to File Missing Parts, dated December 15, 1999.

In the Notice, the Patent Office contends that the following additional fees are due for the filing of the patent application, as the Applicant is a non-small entity;

- a. \$380 to complete the basic filing fee,
- b. \$216 for 9 dependent claims over 20.

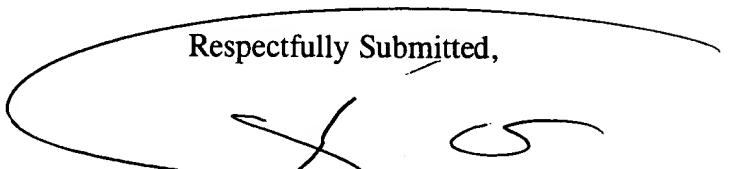
At the time of the filing of this application, Applicant submitted a signed Verified Statement Claiming Small Entity. The statement was signed by Mr. Ned Hoffman.

REMARKS

As the Small Entity statement was properly submitted to the Patent Office at the time of filing of the application, the applicant's fee calculation was correct and no additional fee is due. Additionally, if such fee was due, the Transmittal Letter submitted with the filing of this application, Section 9, authorized the Commissioner to charge any additional fees to Applicant's deposit account. Therefore, no Notice to File Missing Parts should have issued for this application.

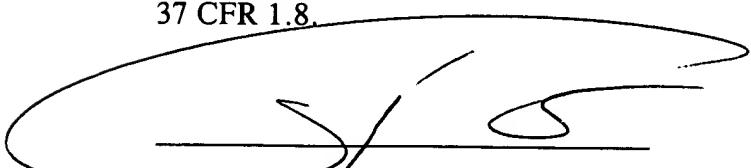
Applicant, therefore, requests that the Notice to File Missing Parts be withdrawn and that neither any additional fees be due for the filing of this application, nor any extension of time fee be due for responding to this File Missing Parts.

Respectfully Submitted,


Ali Kamarei
Reg. No. 37,000

Certificate of Mailing under Sec. 1.10

I hereby certify that this Response to Notice to File Missing Parts and the accompanying Petition for Extension of Time, is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231, in accordance with 37 CFR 1.8.


Ali Kamarei
Reg No. 37,000

Date: April 17, 2000